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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,326	03/28/2001	Ullas Gargi	10006307-1	4373

7590 12/03/2004

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EXAMINER	
HAILU, TADESSE	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,326	GARGI, ULLAS	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-13 and 15-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-7,9-13 and 15* is/are allowed.

6)☒ Claim(s) *16-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the AMENDMENT submitted/entered on October 7, 2004 for patent application (09/819,329).

2. The pending claims 1-7, 9-13, and 15-19 are examined herein as follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 16, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat 6,638,313 to Freeman et al.

With regard to claim 16:

Freeman discloses a method of accessing stored image files comprising the steps of: displaying an arrangement of images, stacked of images in which regions of

rear ward images (e.g. reduced images) are partially covered by forward Images (e.g. reduced images) (see the arrangement of images in Fig. 1), said images in said arrangement being "first-level Images" that correspond to said image files (the stacked images of Fig. 1 are the "first-level Images").

Freeman also discloses displaying "a second-level Image" each time that a user manipulated indicator is positioned in perceived contact with an exposed region of a "first-level image", said displayed "second-level image" being at least partially offset from said arrangement and having a direct correspondence with the first-level image with which said user-manipulated indicator is in perceived contact (the offset image 100 (glanced image) of Fig. 1 is the "second-level Images"), wherein said second level image being is a result of user interaction or pointing with one of the stacked images (Fig. 1).

Freeman further discloses displaying a "third-level image" each time that a "second-levelimage" is selected, including opening the stored image file that corresponds to say second-level image, which is selected (column 6, lines 51-58). As described by Freeman external application is used to view and edit the glanced image 100 ("second –level image"), which reads on the claimed "third-level image".

With regard to claim 18:

Freeman further discloses that said step of displaying said arrangement includes forming a stack of axially aligned overlapping first-level Images (see Fig. 1, the stacked images), said step of displaying said second-level image (see Fig. 1, the offset image 100) including exposing an entirety of said first-level image et a position adjacent to said

stack and within a same window as said stack. For example as seen in Fig. 1, the offset image 100 (second-level image) and the rest of the stack (first-level images) are shown in a single window (see Fig. 1).

With regard to claim 19:

Freeman further discloses that the step presenting file information (such as name of the image) regarding the corresponding image file for each second-level image that is displayed (column 2, lines 24-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 6,638,313 to Freeman et al in view of US Pat No 6,360,116 to Jackson, Jr. et al.

With regard to claim 17:

The claim requires "said first-level images, second-level image, and third-level image are displayed simultaneously on a computer screen." Freeman discloses simultaneously displaying both the stacked images (first-level images) and the selected image 100 from the stack (second –level image) on a computer screen as shown in Fig. 1, Furthermore, Freeman does teach "a third-level image", that is, external application are used to view (enlarged image) and edit the glanced image 100 ("second–level

image"), wherein the image to be viewed or edited is the claimed "third-level image". However Freeman does not mentioned simultaneously displaying the stacked images (first-level images), the selected image 100 from the stack (second –level image) and the "third-level image. Jackson, Jr ("Jackson"), on the other side, discloses said first-level images, second-level image, and third-level image are displayed simultaneously on a computer screen (column 2, lines 49-61, **Fig. 7**).

Jackson and Freeman are analogous art because they are from the same field of endeavor, that is image manipulation.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the simultaneously display feature as described in Jackson with the graphical user interface of Freeman.

The suggestion/motivation for doing so would have been to provide multiple views of a target image/images and facilitates operation on the target image (Jackson, column 2, lines 49-61).

Therefore, it would have been obvious to combine Freeman with Jackson to obtain the invention as specified in claim 17.

Response to Arguments

5. Applicant's arguments filed on October 7, 2004 have been fully considered but they are not persuasive. Regarding claim 16 rejection, the Applicant argues that "Freeman et al. does not anticipate the combination of (1) a first-level image that is an intact frame of image information from an image file, (2) a second –level image that is a presentation of the intact frame of image information of the corresponding first-level

image, and (3) a third –level image that is displayed upon opening the stored image file that corresponds to the second-level image which was selected." The applicant further argues, "the browser cards may include thumbnail images, but are not thumbnail images, as described in amended claim 16." The Examiner disagrees because Freeman anticipates claim 16. Freeman discloses "first-level" (see the stacked documents, Fig. 1); "second-level Images" (see document 100, Fig. 1), and displaying a "third-level image" from a "second-level image". As described by Freeman external application (e.g., X Windows) is used to view and edit the glanced image 100 ("second –level image") (see column 6, lines 59-column 7, lines 19, Fig. 2)

Allowable Subject Matter

6. Claims 1-7, 9-13 and 15 are allowed.

CONCLUSION

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

November 23, 2004

JOHN CABECA
SUPERVISORY PATENT EXAMIN
TECHNOLOGY CENTER 210